

REMARKS

Claims 1 and 3 remain in the application with claim 1 having been amended hereby and claim 2 having been cancelled, without prejudice or disclaimer.

In addition to the provision of the five-direction jog dial by the present invention another feature is the provision of a so-called waiting screen on the displays means that shows a plurality of short-cut icons representing the respective functions assigned to the execution keys. The execution keys are the user keys 9 shown at the bottom of display 5 in Fig. 1, and Fig. 3 shows the waiting screen 100 having the short-cut icons 103 shown adjacent the execution keys or user keys 9.

Claim 1 has been amended hereby to include the recitation of the waiting screen and short-cut icons.

Reconsideration is respectively requested of the rejection of the claims under 35 U.S.C. 103 is being unpatentable over Kimura et al. in view of Jarrad.

In the portable telephone or cell phone of Kimura et al. the function keys are perpetually dedicated. For example, key 10 is the left scroll key, key 12 is the confirm key, and key 14 is the right scroll key.

There is no ability in Kimura et al. to change the functions of these keys.

Moreover, in the locations noted in the Office Action relating to this feature previously set forth in claim 2, it is noted that lines 7-9 of the Abstract that Kimura et al. does disclose that the operation buttons described here and above are arranged near the display screen 4.

On the other hand, at columns 3 and 4, line 56 through 16, although icons are displayed corresponding to the keys the ability to change the icons is not suggested in Kimura

et al. In other words, because the functions of the buttons 10, 12, and 14 are dedicated, that is, cannot be changed, the icons similarly could not be changed. Therefore, whatever functions are ascribed to buttons 10, 12, and 14, the actual icons must also be so dedicated.

Jarrad is cited for showing a cursor switch 14 that is a five-way switch.

Nevertheless, Jarrad does not cure the deficiency of Kimura et al. relating to providing icons that can be assigned in correspondence to assigning functions to the execution keys, as taught by the present invention and as recited in amended claim 1.

Accordingly, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that a portable telephone for executing a plurality of functions selected from a hierarchically structured menu, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references, alone or in combination.

Entry of this amendment is earnestly solicited and is respectfully submitted that this amendment raises no new issues requiring further consideration and/or search, because the feature of the present invention included in the amendment was previously set forth in different form in claim 2, and, thus, was previously searched and considered.

Favorably reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in black ink, reading "Jay H. Maioli". The signature is written in a cursive style with a large, stylized "J" and "M".

Jay H. Maioli
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